

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3 BENCH SESSION
4 (PUBLIC UTILITY)

5
6 Springfield, Illinois
7 Thursday, January 5, 2012

8
9 Met, pursuant to notice, at 10:30 a.m.

10 in Hearing Room A, First Floor, Leland Building, 527
11 East Capitol Avenue, Springfield, Illinois.

12
13 PRESENT:

14 MR. DOUGLAS P. SCOTT, Chairman

15 MS. LULA M. FORD, Commissioner

16 MS. ERIN M. O'CONNELL-DIAZ, Commissioner

17 MR. SHERMAN J. ELLIOTT, Commissioner

18 MR. JOHN T. COLGAN, Acting Commissioner

19
20
21 SULLIVAN REPORTING COMPANY, by
22 Carla J. Boehl, Reporter
 CSR #084-002710

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PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioners Ford, O'Connell-Diaz, Elliott and Acting Commissioner Colgan. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the session. According to the Chief Clerk's Office, we have one request to speak at today's Bench Session, but that individual is unable to attend so we will have no public comment period.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)

1 CHAIRMAN SCOTT: Moving on to the Public
2 Utility agenda, we will begin today with approval of
3 minutes from prior Commission meetings. Up first are
4 minutes from our December 7 Bench Session. I
5 understand amendments have been forwarded.

6 Is there a motion to amend the
7 minutes?

8 ACTING COMMISSIONER COLGAN: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 COMMISSIONER O'CONNELL-DIAZ: Second.

11 CHAIRMAN SCOTT: It's been moved and seconded.

12 All in favor say aye.

13 COMMISSIONERS: Aye.

14 CHAIRMAN SCOTT: Any opposed?

15 (No response.)

16 The vote is five to nothing, and the
17 amendments to the December 7 minutes are adopted.

18 Is there a motion to approve the
19 minutes as amended?

20 COMMISSIONER ELLIOTT: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

1 CHAIRMAN SCOTT: It's been moved and seconded.
2 All in favor say aye.
3 COMMISSIONERS: Aye.
4 CHAIRMAN SCOTT: Any opposed?
5 (No response.)
6 The vote is five to nothing, and the
7 December 7 Bench Session minutes as amended are
8 approved.
9 Next up are minutes from our December
10 13 Regular Open Meeting. I understand amendments
11 have been forwarded.
12 Is there a motion to amend the
13 minutes?
14 ACTING COMMISSIONER COLGAN: So moved.
15 CHAIRMAN SCOTT: Is there a second?
16 COMMISSIONER O'CONNELL-DIAZ: Second.
17 CHAIRMAN SCOTT: It's been moved and seconded.
18 All in favor say aye.
19 COMMISSIONERS: Aye.
20 CHAIRMAN SCOTT: Any opposed?
21 (No response.)
22 The vote is five to nothing, and the

1 amendments to the December 13 minutes are adopted.

2 Is there a motion to approve the

3 minutes as amended?

4 COMMISSIONER FORD: So moved.

5 CHAIRMAN SCOTT: Is there a second?

6 COMMISSIONER O'CONNELL-DIAZ: Second.

7 CHAIRMAN SCOTT: It's been moved and seconded.

8 All in favor say aye.

9 COMMISSIONERS: Aye.

10 CHAIRMAN SCOTT: Any opposed?

11 (No response.)

12 The vote is five to nothing, and the

13 December 13 Regular Open Meeting minutes as amended

14 are approved.

15 Turning next to the Electric portion

16 of today's agenda, Item E-1 is Docket Numbers 11-0279

17 and 11-0282 Consolidated. This is Ameren Illinois'

18 electric and gas rate case. Before we take any

19 action today, perhaps we can receive a briefing from

20 the Administrative Law Judges or Judge.

21 JUDGE ALBERS: Steve is coming. Thank you.

22 You received that memo we distributed

1 yesterday. Since then, Ameren has given us their
2 suggested revisions to the Post-Exception Proposed
3 Order, eliminating the electric side of the rate
4 case. No other parties offered any suggestions.

5 Our plan is to this afternoon take a
6 look at those suggestions and go through them and
7 provide a revised HEPO to the Commission tomorrow,
8 both a clean version and a redlined version so you
9 can see what changed.

10 CHAIRMAN SCOTT: Question, Commissioner
11 O'Connell-Diaz?

12 COMMISSIONER O'CONNELL-DIAZ: Judge Albers,
13 will we have the numbers that will be run in
14 accordance with the revised Order that you will be
15 presenting to us?

16 JUDGE ALBERS: Yes, absolutely. I am not sure
17 at this point there is going to be that much
18 difference.

19 CHAIRMAN SCOTT: Any questions?

20 COMMISSIONER ELLIOTT: Is there a deadline for
21 others to comment?

22 JUDGE YODER: Yesterday. Yesterday everyone

1 was supposed to have comments or any suggested
2 changes to the Post-Exception Proposed Order.

3 COMMISSIONER ELLIOTT: I haven't received that.

4 CHAIRMAN SCOTT: Thank you, Judges.

5 We will hold the oral argument on this
6 matter later today, so we will hold consideration of
7 a Final Order in this matter until January 10.

8 However, since our last meeting,
9 Public Act 97-0646 was signed into law. Ameren made
10 its formal rates filing, and Ameren filed a Notice of
11 Withdrawal for Docket 11-0279, its electric rate case
12 proceeding. By operation of statute we are required
13 to dismiss this case before us today as an Order
14 withdrawing the company's electric rate case. ALJs
15 Albers and Yoder recommend entry of this Order
16 withdrawing Docket Number 11-0279.

17 Is there any discussion?

18 (No response.)

19 Is there a motion to enter the Order?

20 ACTING COMMISSIONER COLGAN: So moved.

21 CHAIRMAN SCOTT: Is there a second?

22 COMMISSIONER ELLIOTT: Second.

1 CHAIRMAN SCOTT: It's been moved and seconded.
2 All in favor say aye.
3 COMMISSIONERS: Aye.
4 CHAIRMAN SCOTT: Any opposed?
5 (No response.)
6 The vote is five to nothing. The
7 Order is entered, and Docket 11-0279 is withdrawn.
8 We will use this five to nothing vote
9 for the remainder of today's Public Utility agenda,
10 unless otherwise noted.
11 Thank you, gentlemen.
12 Item E-2 is Docket Number 11-0508.
13 This is Rebecca Qualkenbush's complaint against
14 ComEd. The parties have apparently settled their
15 differences and brought a Joint Motion to Dismiss
16 which ALJ Kimbrel recommends we grant.
17 Is there any discussion?
18 (No response.)
19 Any objections?
20 (No response.)
21 Hearing none, the matter is dismissed.
22 Item E-3 is Docket Number 11-0740.

1 This is Voltz Energy Partners' application for
2 licensure as an Agent, Broker and Consultant under
3 Section 16-115C of the Public Utilities Act. ALJ
4 Albers recommends entry of an Order granting the
5 requested certificate.

6 Is there any discussion?

7 (No response.)

8 Any objections?

9 (No response.)

10 Hearing none, the Order is entered.

11 Turning now to Natural Gas, Item G-1
12 is Docket Number 07-0572. This is a reconciliation
13 proceeding regarding revenues collected under gas
14 adjustment charges. ALJ Jones recommends entry of an
15 Order approving the reconciliation with certain
16 adjustments recommended by Staff.

17 Is there any discussion?

18 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
19 would just like to point out that, pursuant to the
20 analysis that was done in this rider situation which
21 riders tend to get, I think, painted with a bad brush
22 on many occasions, there is a \$2.5 million refund

1 that will be going to ratepayers based upon the
2 scrutiny and the ability to review in a kind of
3 closed proceeding the issues that are presented here
4 on these costs for this metering situation. So I
5 just want to have the record reflect that there will
6 be a refund that will be accorded to ratepayers to
7 the tune of \$2.5 million.

8 CHAIRMAN SCOTT: Very good. Further
9 discussion?

10 (No response.)

11 Are there any objections to entering
12 the Order?

13 (No response.)

14 Hearing none, the Order is entered.

15 Item G-2 is Docket Numbers 11-0280 and
16 11-0281 Consolidated. This is a rate case for
17 Peoples Gas and North Shore Gas, and we will be
18 holding this item for consideration at our January 10
19 Regular Open Meeting.

20 COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

21 CHAIRMAN SCOTT: Yes.

22 COMMISSIONER O'CONNELL-DIAZ: Judge Wallace,

1 yesterday was the day that there were exceptions
2 filed, correct?

3 JUDGE WALLACE: Are you talking about G-2 or
4 G-3?

5 COMMISSIONER O'CONNELL-DIAZ: Oh, you know, I
6 am sorry. I am ahead of myself.

7 CHAIRMAN SCOTT: Again, we will be holding the
8 Peoples and North Shore Gas rate case for
9 consideration at our January 10 Regular Open Meeting.

10 Item G-3 is Docket Number 11-0710.

11 This item concerns a proposed Chicago Clean Energy
12 coal gasification facility as per Public Act 97-0096.
13 Before us today is a request for oral argument and
14 the consideration of an Order approving the sourcing
15 agreement. ALJ Wallace recommends denying the
16 request for oral argument and entering the Order.
17 This item will be held for consideration to our
18 January 10 meeting.

19 Commissioner O'Connell-Diaz, you have
20 a question?

21 COMMISSIONER O'CONNELL-DIAZ: Yeah, I just want
22 to be clear for the record. I understood from the --

1 JUDGE WALLACE: We did have Reply Briefs on
2 Exceptions filed on Tuesday and --

3 COMMISSIONER O'CONNELL-DIAZ: And will we be
4 getting a revised Order based on that or you haven't
5 gone through that?

6 JUDGE WALLACE: Now you will.

7 COMMISSIONER O'CONNELL-DIAZ: Well, no, I am
8 not suggesting that. I just know those are out
9 there.

10 JUDGE WALLACE: I was going to report, if you
11 were going to vote on the Order today, that I had not
12 seen anything in the Reply Briefs on Exceptions that
13 I was -- that I would add to the Order except there
14 was one definition that was going to be added, and I
15 will highlight that for next week. It is a small
16 change in one of the definitions.

17 But, yeah, we did receive Reply Briefs
18 on Exceptions and those would be noted, too.

19 Just to editorialize, this was really
20 a short deadline case.

21 COMMISSIONER O'CONNELL-DIAZ: Yes, I could see
22 that.

1 JUDGE WALLACE: And then I don't know if you
2 want to move on the request for oral argument today
3 or not.

4 CHAIRMAN SCOTT: No, we will hold that as well.
5 Thank you.
6 Further questions or discussion?
7 (No response.)
8 Judge Wallace, any other matters to
9 come before the Commission today?

10 JUDGE WALLACE: We kept it pretty light for you
11 to start out the year.

12 CHAIRMAN SCOTT: We appreciate that. He's
13 easing us back in. Thank you, sir.

14 Hearing nothing, the meeting stands
15 adjourned.

16 BENCH SESSION ADJOURNED
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